

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GLEN CALDWELL,

Plaintiff,

No. CIV S-04-2693 MCE GGH PS

vs.

CHAN, et al.,

Defendants.

ORDER

Plaintiff is proceeding in this action pro se and in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 72-302(21), pursuant to 28 U.S.C. § 636(b)(1).

Presently before the court is an amended complaint, filed May 12, 2005.¹ The determination that plaintiff may proceed in forma pauperis does not complete the required inquiry. Pursuant to 28 U.S.C. § 1915(e)(2), the court is directed to dismiss the case at any time if it determines the allegation of poverty is untrue, or the action is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against an immune

¹ The document is entitled "Complying by plaintiff 5/3/05 demand for pain and suffering," and is construed as amended complaint in compliance with this court's order of May 3, 2005.

1 defendant. The court cannot make this determination on the present record. Therefore, the court
2 reserves decision on these issues until the record is sufficiently developed.

3 Good cause appearing, IT IS ORDERED that:

4 1. The Clerk of the Court is directed to issue forthwith, and the U.S. Marshal is
5 directed to serve within ninety days of the date of this order, all process pursuant to Fed. R. Civ.
6 P. 4, including a copy of this court's status order, without prepayment of costs.

7 2. The Clerk of the Court shall send plaintiff two USM-285 forms, one summons,
8 a copy of the amended complaint, an appropriate form for consent to trial by a magistrate judge,
9 and this court's status order.

10 5. Plaintiff is directed to supply the U.S. Marshal, within 15 days from the date
11 this order is filed, all information needed by the Marshal to effect service of process. The court
12 anticipates that, to effect service, the U.S. Marshal will require at least:

- 13 a. One completed summons;
- 14 b. One completed USM-285 form for each defendant;
- 15 c. A copy of the endorsed filed amended complaint for each defendant,
- 16 with an extra copy for the U.S. Marshal; and
- 17 d. A copy of this court's status order for each defendant.

18 6. In the event the U.S. Marshal is unable, for any reason whatsoever, to
19 effectuate service on any defendant within 90 days from the date of this order, the Marshal is
20 directed to report that fact, and the reasons for it, to the undersigned.

21 7. The Clerk of the Court is directed to serve a copy of this order on the U.S.
22 Marshal, 501 "I" Street, Sacramento, Ca., 95814, Tel. No. (916) 930-2030.

23 DATED: 7/19/05

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWES,
UNITED STATES MAGISTRATE JUDGE

26 GGH:076
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